

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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Guillermo Aldaco, Jr.,

Petitioner,

vs.

ORDER ADOPTING REPORT
AND RECOMMENDATION

Warden Scott Fisher,

Respondent.

Civ. No. 09-3287 (JMR/RLE)

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Based upon the Report and Recommendation of the United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-entitled matter, **IT IS ORDERED:**

That the Petitioner's current Habeas Corpus Petition [Docket No. 1] is summarily dismissed, without prejudice, pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States Districts Courts, and for failure of prosecution pursuant to Rule 41(b), Federal Rules of Civil Procedure.

Dated: March 19, 2010

s/James M. Rosenbaum
Judge James M. Rosenbaum
United States District Court